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COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 10 (c)

QUESTION OF THE HUMAN RIGHTS OF ANY PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[30 January 1991]

1. Taking up the question of the forced disappearance of two members of the Chilean National Congress under the régime of General A. Pinochet Ugarte, the Inter-Parliamentary Council (the plenary governing body of the Organization) stressed in April 1990 and reiterated in October 1990 that "regardless of any decision relating to the applicability of the Decree-Law on Amnesty in cases of forced disappearance and torture, it is the legitimate right of the relatives of victims to know what has become of the 'disappeared' persons, to recover their remains in the event of death and to obtain reparation, including the payment of adequate material compensation.

2. It may be recalled that the Supreme Court of Chile ruled on 28 September 1990 that Decree-Law No. 2191 of 1978, commonly known as D.L. on Amnesty, was constitutional. For its part, the Inter-Parliamentary Council has noted "with great concern that that decision has the effect of closing or, as the case may be, preventing any criminal proceedings against 'persons who, as author, accomplice or receiver, have taken part in criminal acts such as the forced disappearance of persons and the use of torture throughout the state of siege, that is, between 11 September 1973 and 10 March 1978' (Article one of the Decree-Law), and of absolving them of any responsibility even before the examination of existing evidence, thus weakening respect for the rule of law."